

Washington, DC - Congresswoman Linda Sánchez has joined other leaders of the Judiciary Committee, as well as the Chairmen of the Committees on Energy and Commerce, Ways and Means, and Oversight and Government Reform in opposition to a proposed Social Security Administration (SSA) rule change that would sharply restrict appeal rights for severely disabled individuals applying for Social Security, Supplemental Security Income, Medicare, and Medicaid benefits.

Rep. Sánchez and ten other committee and subcommittee chairs explained their opposition to the rule change in a letter sent to Social Security Commissioner Michael Astrue earlier this week.

The rule change was supposedly designed to reduce backlogs in the SSA's initial benefit claim and benefit appeals process, but is likely to have the opposite result. The proposed rule would institute more formal, legalistic proceedings for benefit appeals, which could result in claims being denied on technicalities. The SSA expects that over \$2 billion in benefits will be denied to severely disabled persons.

"People shouldn't need a lawyer to appeal a ruling from the Social Security Administration," Rep. Linda Sánchez, the Chairwoman of the House Judiciary Subcommittee on Commercial and Administrative Law said. "Many Americans applying for benefits are already in financial difficulty because they are sick or injured. We should be making the appeals process easier for the average American, not harder. The Administration's proposed changes would make the appeals process adversarial, in contradiction to Congressional intent that the process be 'informal, understandable to the layman, and not strict in tone or operation' -- an intention recognized by the Supreme Court."

"The real reason why the Social Security Administration has a backlog is that the Administration has refused to hire enough administrators to process claims," Congresswoman Sánchez said. "Rather than throw obstacles in the way of disabled people, the Administration should hire the staff needed to make sure that people get the benefits they deserve."

Congresswoman Sánchez built support among fellow Judiciary Committee leaders for a closer examination of the rule change. The proposed rule change would also limit when claimants can introduce evidence on their own behalf, setting a deadline of five days before a hearing for the submission of evidence. This requirement will keep claimants from submitting difficult to obtain medical records.

"By restricting when evidence can be introduced, many claimants would probably choose to file a new application instead of pursuing an appeal," Congresswoman Sánchez said. "But filing a new application resets the date of eligibility, putting claimants who are unable to work in even greater financial distress. It is inefficient for the SSA, and it doesn't make sense for disabled Americans affected by this policy."

Link to the proposed rule:

<http://waysandmeans.house.gov/media/pdf/110/SSRK/Copy%20of%20SSAs%20proposal.pdf>

Link to letter to Social Security Commissioner Astrue:

<http://waysandmeans.house.gov/media/pdf/110/SSRK/Final%20Comment%20ltr%20re%20Evidence%20and%20Appeals%20NPRM%2012-20-07.pdf>